

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: PUERTO RICAN CABOTAGE
ANTITRUST LITIGATION

Master Document No. 08-MD-1960 (DRD)

THIS DOCUMENT RELATES TO:
ALL ACTIONS

**PLAINTIFFS' MOTION FOR FINAL APPROVAL OF PROPOSED SETTLEMENTS
WITH HORIZON, CROWLEY, SEA STAR, AND ALEXANDER CHISHOLM
AND PLAN OF DISTRIBUTION**

TO THE HONORABLE COURT:

Pursuant to Rule 23(e) of the Federal Rules of Civil Procedure, Plaintiffs CC1 Limited Partnership (d/b/a Coca Cola Puerto Rico Bottlers), Horizon International Shipping, Inc., Linde Gas Puerto Rico, Inc., Rona Distributors, Inc., Ferrmax, Inc. and La Rosa Del Monte Express Inc. (collectively "Plaintiffs") hereby move for an Order granting final approval of the proposed settlements with Defendants Horizon Lines, Inc., Horizon Lines, LLC, Horizon Logistics Holdings, LLC, Horizon Logistics, LLC, and Horizon Lines of Puerto Rico, Inc. (collectively "Horizon"); Defendants Crowley Maritime Corporation and Crowley Liner Services, Inc. (collectively "Crowley"); Defendants Sea Star Line, LLC, American Shipping Group, Inc., Saltchuk Resources, Inc. and Leonard Shapiro (collectively "Sea Star"); and Defendant Alexander Chisholm, and for final approval of the proposed Plan of Distribution.

Final approval of each of the proposed settlements, as well as the Plan of Distribution, is appropriate for the following reasons, as detailed in the supporting Memorandum of Law, filed herewith pursuant to Local Rule 7.1:

a. Due and adequate notice was provided pursuant to Rule 23 of the Federal Rules of Civil Procedure to all members of the Settlement Class, notifying the Settlement Class of, *inter alia*, the pendency of this action and the proposed settlements with the Settling Defendants;

b. The proposed Settlement Agreements between Class Plaintiffs and the Settlement Class, on the one hand, and, respectively, Horizon, Crowley, Sea Star and Chisholm, on the other, are fair, reasonable and adequate to the Settlement Class within the meaning of Rule 23 of the Federal Rules of Civil Procedure and an under the factors set forth in *In re Tyco Int'l, Ltd. Multidistrict Litig.*, 535 F. Supp. 2d 249 (D.N.H. 2007); and

c. The proposed Plan of Distribution is fair, reasonable and adequate to the Class.

Accompanying this motion is a proposed Order providing the relief Plaintiffs seek. In support of their motion, Plaintiffs submit the following memorandum and the accompanying declaration of Camilo K. Salas, III, Esq., and affidavits of Dr. Russel K. Lamb and Cameron R. Azari, Esq.

WHEREFORE, for the foregoing reasons, as well for the reasons detailed in Plaintiffs' Memorandum of Law, Plaintiffs' request entry of the attached proposed Order.

I HEREBY CERTIFY that today I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which, on information and belief, shall automatically notify counsel of record, and which pursuant to Local Civil Rule 5.1(b)(2), constitutes the equivalent service.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 4th day of November, 2010.

/s/ John F. Nevares

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